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FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

POLICY & PLANNING  
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1 MAR 1993

IN REPLY REFER TO:  
7330-7/1700A3

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Honorable Dennis DeConcini  
United States Senator  
2730 East Broadway, Suite 160  
Tucson, Arizona 85716-5340

Dear Senator DeConcini:

This is in reply to your letter of February 9, 1993, in which you inquired on behalf of your constituent, Kenneth McDaniel, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. McDaniel is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

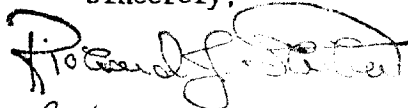
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We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due May 28, 1993, and Reply Comments are due July 14, 1993. We expect final rules to be issued in 1994. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,



Ralph A. Haller  
Chief, Private Radio Bureau

Enclosures:  
Notice  
Order  
Discussion paper

cc:  
Chief, PRBureau  
Chief, LM&M Divison  
Docket Files, Room 222  
P&P Branch File (Pink)

CNTL NO - 9300647

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# Congressional

DUE OBC: 2-25-83

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AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM  
02/17/93

## LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300647	02/17/93	02/09/93	03/02/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Dennis DeConcini	BC

CONSTITUENT'S NAME	SUBJECT
Kenneth McDaniel	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/Lmm			
2-18-83			
DATE	DATE	DATE	DATE
02/17/93			

REMARKS: Respond to the Tucson, AZ office.

JOSEPH R. BIDEN, Jr., DELAWARE, CHAIRMAN

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AND STAFF DIRECTOR

## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

February 9, 1993

PRB  
92-235  
647

Ms. Lorrie Secrest  
Director for Public Affairs  
Federal Communications Commission  
1919 M Street  
Washington, D.C. 20554

Dear Ms. Secrest:

Enclosed is a copy of the privacy release letter Senator Dennis DeConcini received from Mr. Kenneth McDaniel requesting that we inquire on his behalf regarding the recent FCC proposal of P.R. Docket 92-235.

After you have had the opportunity to review the matter, I would appreciate your making any suggestions and/or recommendations on how we may assist Mr. McDaniel with his concern.

Thank you.

Sincerely,



IGNACIO J. BARRAZA  
Assistant to the Senator  
Office of Dennis DeConcini  
United States Senate  
2730 East Broadway, Suite 160  
Tucson, Arizona 85716-5340  
602/670-6831

Enclosure  
IB/D

CASE

DB  
Misc / FCC  
Misc-T

January 25, 1993

The Honorable Dennis DeConcini  
2730 E. Broadway  
Tucson, AZ. 85719

Dear Senator:

I have been interested in aviation for as long as I can remember. I am active in a local club whose members enjoy constructing and operating radio controlled model airplanes. I personally own nine (9) radios, ten (10) R/C models and have a workshop full of other products necessary to operate my models.

I am very concerned about the proposed rule that is currently under consideration by the Federal Communication Commission (FCC). The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

Our radio-control frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface (cars and boats) models by keeping 10 KHz spacing between fixed commercial users and frequencies used by R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 KHz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 frequencies on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

I don't think it is of the FCC to seek to expand the operating conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have considerable investment in our models and in our radio equipment. It is a sizeable industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

When we operate our R/C models, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We all need your help urgently because the FCC has a deadline of Feb. 26, 1993 after which it may become more difficult to avoid halting these proposals from going into effect.

Sincerely,

A handwritten signature in cursive script, reading "Kenneth McDaniel Sr.", written in dark ink.

Kenneth McDaniel Sr.